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SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1934.

No. ~~828~~ 23

THE BASSICK MANUFACTURING COMPANY,
Plaintiff-Petitioner,

vs.

THE R. M. HOLLINGSHEAD COMPANY,
Defendant-Respondent.

SUPPLEMENT TO PETITION FOR WRIT OF CERTIORARI.

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SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1934.

No. 872.

THE BASSICK MANUFACTURING COMPANY,
Plaintiff-Petitioner,

vs.

THE R. M. HOLLINGSHEAD COMPANY,
Defendant-Respondent.

SUPPLEMENT TO PETITION FOR WRIT OF CERTIORARI.

May it please the Court:

Supplementing the Petition for a Writ of Certiorari filed herein on April 13, 1935, we respectfully call the attention of the Supreme Court to the fact that a Petition for a Writ of Certiorari has been filed in this Court on April 24, 1935, in the cause of *G. S. Rogers et al.* v. *Alemite Corporation*, No. 906, in which the question sought to be reviewed in this Court is that of the scope and infringement of claims 1, 2, 3, 4, 8, 14 and 15 of

United States Letters Patent No. 1,307,734, which is substantially the same issue as that to which the Petition for a Writ of Certiorari in this cause is directed.

The issue, as made by the petition in No. 906, is, because of the inclusion of claims 14 and 15, actually somewhat broader than that raised by the petition in this cause. Inasmuch as it may be convenient to consider these causes together, this petitioner is willing to submit this cause upon the broad issue as made in No. 906.

In the Petition in cause No. 906 the decision of the Circuit Court of Appeals for the Sixth Circuit which is sought to be reviewed by the Petition in this cause, *The R. M. Hollingshead Company* v. *The Bassick Manufacturing Company*, 73 Fed. (2d) 543, is relied upon as creating a conflict with certain other decisions of the First, Third, and Sixth Circuit Courts of Appeals. The Petition in No. 906 says, on page 13:

> "Moreover, said decision of this question of patent law by said Circuit Court of Appeals for the Third Circuit is in direct conflict with the following decisions of other Circuit Courts of Appeal involving the patent here in suit:
>
> *Lyman et al.* v. *Bassick*, 18 Fed. (2d), 29 (C. C. A., 6th);
>
> *Alemite* v. *Lubrair*, 62 Fed. (2d), 899 (C. C. A., 1st);
>
> *Hollingshead* v. *Bassick*, 73 Fed. (2d), 543 (C. C. A., 6th)." . . .

> "The direct conflict between the decision of the Circuit Court of Appeals for the Third Circuit (74 Fed. (2d), 1019), in the case at bar and the earlier decision of the Circuit Court of Appeals for the Sixth Circuit in *Hollingshead* v. *Bassick* (73 Fed. (2d), 543), is also asserted by the respondent in the case at bar in the petition for writ

of certiorari (No. 872, October Term, 1934), in the case of *Bassick Mfg. Co.* v. *The R. M. Hollingshead Company* (page 8)."

There are thus before the Supreme Court two Petitions for Writs of Certiorari, seeking review of conflicting decisions of the Circuit Courts of Appeals for the Third and Sixth Circuits, respectively, both relating to the question of the scope and infringement of the claims of United States Letters Patent No. 1,307,734, presenting both sides of the conflict arising from the decisions sought to be reviewed, and both relying upon the conflict so presented as well as conflicts between the decisions for which review is sought and other decisions of other Circuit Courts of Appeals.

We respectfully submit that this contemporaneous presentation to the Supreme Court of these conflicting decisions is further cogent reason why the Petition for a Writ of Certiorari herein should be granted.

Respectfully submitted,

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